



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/827,560 | 04/19/2004 | Yung-Liang Chang | C86.12-0003 | 3436 |

27367 7590 04/03/2008
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

| |
|----------|
| EXAMINER |
|----------|

CASTRO, ALFONSO

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

4142

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/827,560 | Applicant(s) CHANG ET AL. | |
| | Examiner ALFONSO CASTRO | Art Unit 4142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

1. Claims 1-4 are pending.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 4142

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because 1. the abstract should not contain legal phraseology often used in patent claims, such as "means" and "said" 2. the abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art 3. the language of the abstract repeats information given in the title . Correction is required. See MPEP § 608.01(b).

4. The specification is objected to because of the following informalities:

Preferred Embodiment Section [0006], [0007], [0016], and [0017] inconsistently refer to "high/low-pass filters 7" and "low-pass filters 7". Preferred Embodiment Section [0017] summary of Figure 2 "In order to be more clearer" does not give an accurate description of Figure 2 to indicate output terminals, correct number of filters, etc. Appropriate correction is required. Preferred Embodiment Section [0017] description of cut off frequencies shown in Figure 3 is not accurate. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated over Edwards et al. US 5,311,325.

7. As to Claim 1, Edwards et al. teaches”

“An addressable tap” [Col. 13 line 1-15; Line 63-64]

“channel tier function” [Col. 19, Line 8-14]

“consisting of a housing” [Col. 11, line 66-68].

“a power supply module” [Col. 16, line 1-11]. Edwards et al. teaches power to interdiction apparatus may be provided via internal or external means [Col. 16, Line 7-11].

“a filter” [Col. 14-15] and “demodulation module” [Figure 2, (240,250); Col. 16, line 49-55]

“a control module” [Figure 2, (260)]. Edwards et al. teaches that microprocessor (260) is capable of controlling all the functions of each subscriber module instead of having an individual microprocessor 300 for each control module [Col. 17, line 20-23].

“RF switches” [Figure 3 (389)]. Edwards et al. teaches a switch or other circuit controlled by a microprocessor [Abstract; Figure 3 (389)]. Edwards et al. additionally

teaches each subscriber module contains at least one RF switch [Figure 3, (389)] and further teaches that four or more subscriber modules and corresponding RF switches may be provided [Col. 14, line 15-18].

“electrically connected to said control module”. Figure 2 and Figure 3 shows the components are electrically connected to a microprocessor.

“secondary switches” [Figure 3 (361-364)] and “high/low-pass filters” [Figure 3 (351-354)].

“each of said RF switches is electrically connected to at least two secondary RF switches” [Figure 3 (389,361-364)]. While Figure 3 discloses one RF switch connected to secondary RF switches, Edwards et al. teaches that each subscriber module contains at least one RF switch [Figure 3, (389)] and further teaches that four **or more** subscriber modules and corresponding RF switches may be provided [Col. 14, line 15-18].

“electrically connected to said control module separately” [Figure 2 microprocessor].

“at the same time connected to at least two low-pass filters to form a terminal together with said low-pass filters of said RF switch in parallel” [Figure 3, (361-364)].

“said control module directly and separately controls each of said RF switches and the secondary RF switches connected to it to control the corresponding low-pass filters, resulting in control over each user in selection of CATV channel tiers” Edwards et al. Figure 2 and 4 shows microprocessor shows separate controls for the main switch and secondary switches and in an embodiment not shown teaches the use of

Art Unit: 4142

programmable bandpass filters to provide a limited bandwidth of signals to subscribers [Col. 18, line 55-68; Col. 19, 8-14].

8. As to Claim 2, Edwards teaches "said RF switches are eight in number" [Col. 14, Line 11-18]. Edwards et al. teaches each subscriber module containing at least one RF switch [Figure 3, (389)] and additionally teaches that four or more subscriber modules may be provided [Col. 14, line 15-18].

9. As to Claim 3, Edwards et al. teaches:

"signal input terminal connected to the precedent addressable tap at the left side of said housing". Figure 1 (12) identifies signal source connected to the left side of the apparatus housing.

"main signal output terminal connected to the posterior tap on the right side of said housing". Figure 1 identifies signal source (12) connected to the right side of the apparatus housing.

"eight output terminals connected with the users on the front side of said housing" Edwards et al. teaches subscriber module containing a RF switch [Figure 3, (389)] and additionally teaches that four or more subscriber modules may be provided [Col. 14, line 15-18]. Figure 1 also shows multiple output terminals on the front side of apparatus housing and connected to users.

Art Unit: 4142

10. As to Claim 4, Edwards et al. teaches “an addressable tap with channel tier function as defined in claim 1 is featured by: dimensions of said housing are within plus minus 30% of standard housing of the existing non-addressable tap in order to replace the faceplates of traditional taps installed easily to realize enhancement of the function of channel tier” for the addressable apparatus housing of Edwards et al. is standard and the size and/or dimension falls within the range of plus minus 30% of the standard housing as defined by applicant’s claim.

Conclusion

11. The prior art made of record:
 - a. US Patent 5,311,325

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. US Patent 5,014,309
 - b. US Patent 5,303,295
 - c. PG Pub 2003-0007220
 - d. WO 1996/09723 A1
 - e. PG Pub 2004/0139476

Art Unit: 4142

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALFONSO CASTRO whose telephone number is (571)270-3950. The examiner can normally be reached on Monday thru Friday (8am to 5pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srirama Channavajjala can be reached on 571-272-4108. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ac
03/25/2008

***/Srirama Channavajjala/
Supervisory Patent Examiner, Art Unit 4142***